

January 13, 2011

CLERK, U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

0003209331

B104 (FORM 104) (08/07)

ADVERSARY PROCEEDING COVER SHEET
(Instructions on Reverse)**ADVERSARY PROCEEDING**
(Court Use Only)**PLAINTIFFS**

JAMES L. MACKLIN

DEFENDANTS

DEUTSCHE BANK NATIONAL TRUST CO., AS INDENTURE TRUSTEE FOR THE ACCREDITED MORTGAGE LOAN TRUST 2006-2 ASSET-BACKED NOTES; and all persons claiming by, through, or under such person, all persons unknown, claiming any legal or equitable right, title, estate, lien, or interest in the property described in the complaint adverse to Debtor's title thereto; and CORRESPONDENT DOES 1-10, Inclusive;

ATTORNEYS (Firm Name, Address, and Telephone No.)Holly S. Burgess
Law Offices of Holly S. Burgess
680 Auburn-Folsom Road, Suite 109
Auburn, CA 95603**ATTORNEYS** (If Known)David J. Boyer
Robert J. Jackson & Associates
4199 Campus Drive, Suite 700
Irvine, CA 92612-2698**PARTY** (Check One Box Only)☒ Debtor ☐ U.S. Trustee/Bankruptcy Admin
☐ Creditor ☐ Trustee ☐ Other**PARTY** (Check One Box Only)☐ Debtor ☐ U.S. Trustee/Bankruptcy Admin
☐ Creditor ☐ Trustee ☐ Other**CAUSE OF ACTION** (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)

Complaint to determine the validity of a secured lien against property. 11 U.S.C. Section 506 and 13326, and F.R.B.P. Rule 7001

NATURE OF SUIT

(Number up to five (5) boxes starting with the lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)

FRBP 7001(1) – Recovery of Money/Property

- ☐
- 11 - Recovery of money/property - § 542 turnover of property
-
- ☐
- 12 - Recovery of money/property - § 547 preference
-
- ☐
- 13 - Recovery of money/property - § 548 fraudulent transfer
-
- ☒
- 14 - Recovery of money/property - other

FRBP 7001(2) – Validity, Priority or Extent of Lien

- ☐
- 21 - Validity, priority or extent of lien or other interest in property

FRBP 7001(3) – Approval of Sale of Property

- ☐
- 31 - Approval of sale of property of estate and of a co-owner - § 363(h)

FRBP 7001(4) – Objection/Revocation of Discharge

- ☐
- 41 - Objection/revocation of discharge - § 727(c), (d), (e)

FRBP 7001(5) – Revocation of Confirmation

- ☐
- 51 - Revocation of confirmation

FRBP 7001(6) – Dischargeability

- ☐
- 66 - Dischargeability - § 523(a)(1), (14), (14A) priority tax claims
-
- ☐
- 62 - Dischargeability - § 523(a)(2), false pretenses, false representation, actual fraud
-
- ☐
- 67 - Dischargeability - § 523(a)(4), fraud as fiduciary, embezzlement, larceny

(continued next column)

FRBP 7001(6) – Dischargeability (continued)

- ☐
- 61 - Dischargeability - § 523(a)(5), domestic support
-
- ☐
- 68 - Dischargeability - § 523(a)(6), willful and malicious injury
-
- ☐
- 63 - Dischargeability - § 523(a)(8), student loan
-
- ☐
- 64 - Dischargeability - § 523(a)(15), divorce or separation obligation (other than domestic support)
-
- ☐
- 65 - Dischargeability - other

FRBP 7001(7) – Injunctive Relief

- ☐
- 71 - Injunctive relief - imposition of stay
-
- ☐
- 72 - Injunctive relief - other

FRBP 7001(8) – Subordination of Claim or Interest

- ☐
- 81 - Subordination of claim or interest

FRBP 7001(9) – Declaratory Judgment

- ☒
- 91 - Declaratory judgment

FRBP 7001(10) – Determination of Removed Action

- ☐
- 01 - Determination of removed claim or cause

Other

- ☐
- SS-SIPA Case - 15 U.S.C. §§ 78aaa
- et. seq.*
-
- ☐
- 02 - Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)

☐ Check if this case involves a substantive issue of state law☐ Check if this is asserted to be a class action under FRCP 23☐ Check if a jury trial is demanded in complaint

Demand \$ 1,750,000

Other Relief Sought

Quiet Title

B104 (FORM 104) (8/07), Page 2

| BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES | | |
|---|--|--|
| NAME OF DEBTOR James L. Macklin | | BANKRUPTCY CASE NO. 10-44610 |
| DISTRICT IN WHICH CASE IS PENDING Eastern District of California | DIVISION OFFICE | NAME OF JUDGE Hon. Ronald Sargis |
| RELATED ADVERSARY PROCEEDING (IF ANY) | | |
| PLAINTIFF | DEFENDANT | ADVERSARY PROCEEDING NO. |
| DISTRICT IN WHICH ADVERSARY IS PENDING | DIVISION OFFICE | NAME OF JUDGE |
| SIGNATURE OF ATTORNEY (OR PLAINTIFF) /s/ Holly S. Burgess | | |
| DATE 1/13/11 | PRINT NAME OF ATTORNEY (OR PLAINTIFF) HOLLY S. BURGESS, Attorney for James L. Macklin | |

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 104, the Adversary Proceeding Cover Sheet, if it is required by the court. In some courts, the cover sheet is not required when the adversary proceeding is filed electronically through the court's Case Management/Electronic Case Files (CM/ECF) system. (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.